

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14825 of Lorenzo and Patricia Randle, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Sub-section 350.4) to establish law offices on the first and second floors in an R-5-B District at premises 2008 - 13th Street, N.W., (Square 236, Lot 42).

HEARING DATES: July 20 and September 14, 1988  
DECISION DATE: December 7, 1988

FINDINGS OF FACT:

1. The property is located on the west side of 13th Street between U and V Streets and is known as premises 2008 13th Street, N.W. It is zoned R-5-B.

2. The site is generally level and is rectangular in shape. The site contains approximately 1,140 square feet of lot area.

3. The site is currently improved with a two-story plus basement brick row dwelling which contains approximately 1,600 square feet of floor area.

4. The applicant proposes to establish a law office at the subject premises. The proposed law office would accommodate approximately five to eight employees.

5. The subject premises is located in a strip of R-5-B zoning which runs north from U Street along 13th Street. Immediately west to the rear of the site is C-M-2 zoning presently under development as part of the proposed U Street Metro Station. To the south of the site is a strip of C-2-A zoning along the south side of U Street from 10th Street to the C-M-2 zoning fronting on 14th Street. One block west of the site is the new Frank D. Reeves Municipal Center at 14th and U Streets, N.W. The Walker Memorial Baptist Church is located approximately four houses away from the subject premises to the north in the R-5-B District. The site of the old Childrens Hospital structure is located approximately one block northeast of the site and is zoned C-M-2.

6. The subject row dwelling is the second structure in a row of similar dwellings north of U Street. The current use of the dwellings on the block are multi-family, income producing properties and vacant, boarded dwellings. High crime and drug influences predominate in the area.

7. The applicant testified that they purchased the property with the understanding that approval for the proposed use would be in effect prior to their closing on the purchase of the site. Subsequent to the applicants' purchase of the premises, the applicants learned that an application for variance relief had been filed but that final action had not yet occurred. The applicants are, therefore, pursuing the application on their own behalf.

8. The applicants' real estate agent testified that the subject property had remained on the market as a residential property for more than one year without attracting a buyer. The real estate agent further testified that other residential properties in the block have had difficulties selling as residential and have become vacant or have been sold as having commercial potential.

9. The applicants argued that the property is affected by an extraordinary or exceptional condition due to its proximity to Metro's use of nearby land, construction and excavation which has resulted in damage to the structural integrity of the building and, further, has effectively eliminated emergency egress from the rear yard due to storage of concrete slabs, heavy machinery and other materials immediately adjacent to the rear of the subject property. The applicants further testified that the ultimate plans by Metro to locate a chiller plant in the area adjacent to the subject property, while not adversely affecting the area as a whole, will adversely impact the subject property with respect to noise and re-sale potential, in addition to the problems associated with excavation and construction.

10. The applicants argued that the proposed use would have a positive effect on the area as a result of the renovation of the structure, the provision of needed legal services for residents of the area, and increased security resulting in a deterrent to criminal activity in the area.

11. By letter dated July 18, 1988 and by representative at the public hearing, the pastor of the Walker Memorial Baptist Church supported the application for the following reasons.

- a. The proximity of subject property to the commercial zoning on U Street;
- b. no undue harm to the public due to the need for legal assistance to elderly residents in the area;
- c. the use would provide an asset to the area in that it would provide a viable role model for youth in the area and would deter criminal activity in the area.

12. The record also contains a petition signed by seventeen residents of the area in support of the application.

13. Advisory Neighborhood Commission 1-B, by letter dated July 13, 1988, requested the Board to waive its rules to permit the submission of the report of the ANC less than seven days prior to the public hearing. No representative of the ANC appeared at the public hearing and no additional correspondence from the ANC was offered or received into the record.

14. By memorandum dated June 24, 1988, the Office of Planning (OP) recommended the application be denied. The Office of Planning was of the opinion that the granting of the requested relief would adversely impact the character of the existing residential dwellings in the neighborhood. The Office of Planning was further of the opinion that the property is not effected by an exceptional and undue hardship in that the dwelling can be used in accordance with the provisions of the R-5-B District without creating an undue hardship upon the owner. The OP noted that the subject property was located within an area to be considered for a map amendment initiated by OP by the Zoning Commission in Case No. 87-7. The OP further noted that its recommendation to the Zoning Commission proposed the retention of the residentially zoned areas in the vicinity of 14th and U Streets, including the subject property.

15. In response to a request by the Board, the Office of Planning, by memorandum received on August 5, 1988, provided the following information.

- a. Discussions with staff members of the Washington Metropolitan Area Transit Authority (WMATA) confirmed that a chiller plant is to be located to the rear of the applicant's property. The equipment is also noticeable by property owners who reside adjacent (2006 and 2010 - 13th Street) to the subject site. OP is of the understanding that the chiller plant could be permanently placed at this location. If development occurs on the Metro owned site, the equipment could be relocated to the rooftop of a building. WMATA estimates that any adverse impacts from the chiller, such as noise, should be minimal.
- b. WMATA owns a large percentage of land in the square where the subject site is located. These properties were acquired to accommodate the construction of the Metrorail Green Line route, specifically the U Street Station. WMATA's initial assessment is that its properties may be

disposed of once construction has been completed on the U Street Station.

- c. A review of occupancy permits in the vicinity of 13th and U Streets, N.W., for the time period 1982 to 1988, at the Department of Consumer and Regulatory Affairs, Occupancy Inspection Branch indicates that there have been no permits issued by the Department for purposes that are unrelated to residential use on 13th Street, N.W., between T and V Streets.

16. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

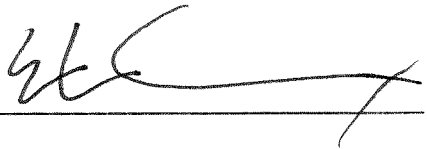
Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires proof of an exceptional or extraordinary condition inherent in the property itself which would result in an undue hardship upon the owner precluding the use of that property for purposes for which it is zoned. The Board concludes that the applicants have not met the requisite burden of proof. The site is level and rectangular in shape. The existing improvements are similar in design to adjoining and nearby row dwellings. The prior occupancy of the premises for residential purposes attests to its ability to be used in accordance with the R-5-B use provisions. The proximity of the site to non-residentially zoned areas indicates the existence of appropriately zoned sites for location of the proposed use in the immediate area.

The Board further concludes that the proposed use would have an adverse impact on the existing residential development in the area and that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE:        4-0    (William F. McIntosh, Charles R. Norris,  
                 Paula L. Jewell and Carrie L. Thornhill to  
                 deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAR 24 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

order14825/bhs2

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14825

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAR 24 1990, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Lorenzo Randle  
8402 North Point Ct.  
Laurel, Md 20708

W. Norman Wood, Chair  
ANC 1-B  
519 Florida Ave., N.W.  
Wash., D.C. 20001

Rev. R. M. Green  
Walker Memorial Baptist Church  
2020 13th Street N.W.  
Wash., D.C. 20018

Robert Green  
3016 T Street, S.E.  
Wash., D.C. 20032

*Robt. Green - copy mailed 10/9/90*  
*PO Box 43423*  
*DC 20010*

A handwritten signature in dark ink, appearing to be "E. L. Curry", written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: MAR 24 1990